



# ABN E-NEWS

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Alabama Board of Nursing  
770 Washington Avenue  
Suite 250

Montgomery, Alabama 36104  
(334) 293-5200  
(800) 656-5318

Fax: (334) 293-5201

[www.abn.alabama.gov](http://www.abn.alabama.gov)

Mailing Address:

P.O. Box 303900

Montgomery, Alabama 36130-3900

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## Let's Discuss the Proposed Enhanced Nurse Licensure Compact

Peggy Sellers Benson, RN, MSHA, MSN, NE-BC  
Executive Officer

The Board has been analyzing the benefits of joining the Enhanced Nurse Licensure Compact (eNLC) and has been deeply involved in discussions with the National Council of State Boards of Nursing (NCSBN) throughout the ongoing development of the compact. However, quite a few issues remain unresolved, precluding the Board from endorsing our state's participation. To summarize the Board's concerns with the compact, as presently conceived:

### Limited Benefit to Alabama Nurses and Patients:

The Board licenses more than 97,000 licensed practical nurses (LPNs) and registered nurses (RNs). By NCSBN's estimates, 2,500 residents of Alabama are likely to participate in the compact, while more than 8,500 non-Alabama residents currently holding Alabama licenses are likely to forego licensure in the state.

Additionally, the Board is widely recognized as a model of expediency among boards of nursing and Alabama regulatory boards. Nurses filing complete applications for licensure by endorsement (i.e., obtaining an Alabama license by providing a valid out-of-state license) are licensed within an average of 1.2 days, provided that the nurse has not been subject to discipline in another jurisdiction. It should be noted that current Alabama law allows out of state nurses to practice in the state as part of the response to a gubernatorially-declared emergency for up to 30 days without applying for Alabama licensure, rendering expedited licensure for disaster relief a non-issue in our state.

### Licensee Expense:

Through sound management and stewardship, the Board has managed to maintain license fees among the lowest in the nation for both Registered Nurses (RNs) and Licensed Practical Nurses (LPNs). Currently, each type of license initially costs \$85.00, with a \$75.00 fee for biennial renewal. Joining the compact would force the Board to increase fees substantially. Among the issues:

**eNLC Fee Assessment to Alabama** – The NCSBN plans to assess a fee to each participating state for purposes of funding a new agency (the Commission) that would administer the compact. Unfortunately, NCSBN has been reluctant to estimate the amount of the assessment, but, as the plan is to place the Commission in either Chicago, IL, or Washington, DC, and service the compact licensing and regulatory system for up to 62 states and territories, the Alabama Board of Nursing's share is certain to represent a substantial burden on our present operating budget.

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## LPN RENEWAL REMINDER

LPN Renewal began September 1 and ends November 30, with the Late Renewal period running from December 1-31. ALL LPN LICENSES EXPIRE AT 12:00 AM ON JANUARY 1, 2018. Late Renewal incurs an additional \$150 charge, so we encourage you to renew as soon as possible in order to avoid this unnecessary expense.

### Let's Discuss the Proposed Enhanced Nurse Licensure Compact

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**Criminal Background Checks and Licensee Fingerprinting** – Each jurisdiction participating in the compact will be required to obtain fingerprint records and conduct criminal background checks on every applicant for licensure. The Board has explored these two related issues (both of which would require changes to the existing Alabama Nurse Practice Act). Board staff presently conducts a review of each applicant's history prior to issuing a license. Each also represents a substantial increase in expense, both out of pocket for the nurse and as pass-through cost from the Board, which would be required to hire additional dedicated staff to oversee both fingerprinting and background checks for applicants.

**Loss of Current Board Revenue** - To participate in the compact, the Board would have to forego some \$1.2-1.5 million in current revenues (\$400,000.00+ from verifications of out-of-state licenses; about \$800,000.00 represented by lost revenues from out-of-state licensees and additional staff). These losses will inevitably be felt in further increases to license fees, which currently are offset by the out-of-state revenues.

### Regulatory and Legal Concerns

Participation in the compact presents a number of regulatory, legal, and sovereignty issues which directly affect core Board functions. These include:

**Sovereign Immunity** - The compact gives the Commission the authority to sue a party state in federal court for injunctive relief and damages. The suit can be brought by the Commission in the US District Court for the District of Columbia or in the federal district court where the Commission has its principal offices. The prevailing party would be awarded the costs of litigation, including attorney's fees. This means that Alabama would be waiving its sovereign immunity, as it pertains to suits brought by the Commission, exposing the state to potential payment of damages and attorney's fees.

**Rulemaking Authority** - The compact gives the Commission (made up of one representative from each member state) the authority to enact binding rules by a simple majority vote, thus removing those rules from Alabama's Administrative Procedure Act (APA) rulemaking process. This would also prevent, in large part, application of the active supervision process the legislature recently enacted under the APA.

**Eligibility for Licensure** - Alabama has some requirements for licensure that other states do not. For instance, we require the applicant to demonstrate legal presence in the US, continuing education, and graduation from a nursing program that meets Alabama's requirements, including actual clinical learning experience. The compact requires applicants to meet licensure standards for the state that is their "home state." So, we could have nurses who have a multistate license from another state working in Alabama, while an Alabama resident meeting identical criteria would not be eligible to do so.

**Constitution of the Commission:** NCSBN has not yet developed bylaws for this new agency. The Board is reluctant to commit to this enterprise without full knowledge of the ground rules. In addition, the Commission would have the ability to change the rules with a one-vote majority, leaving Alabama without recourse, irrespective of any disagreement on substance.

Please be assured that the Board continues working in good faith to obtain more favorable terms for our state and our nurses. We believe that a well-designed compact would offer considerable benefit to Alabama patients and nurses. Unfortunately, the present concept and implementation do not, in the Board's view, meet that standard. I am hopeful that our ongoing effort to improve the compact will bear fruit, as Alabama is far from alone among states that are not satisfied.

## CHECK OUT OUR NEW INSTRUCTIONAL VIDEO FOR UPLOADING YOUR CE

The ABN staff has developed a helpful instructional video to guide you through the process of uploading CE documentation to My Profile on the ABN website. You must upload all documentation or you will not be allowed to submit your renewal application, so review the video today under [My Profile](#) on the ABN website.

## ADVANCED PRACTICE LOAN APPLICATION IS AVAILABLE UNTIL NOVEMBER 30

The ABN currently is accepting applications for the Loan Repayment Program for Advanced Practice Nursing; applications will be accepted until 11:59 p.m. on November 30. Loans will be approved by the Board in January 2018, with payments disbursed in February. Should you decide to apply for a loan under the Program, please take care to be as thorough as possible when you apply. Incomplete applications will not be considered.

The Loan Repayment Program offers loans to graduate students pursuing degrees to become CRNPs, CNMs, and CRNAs who commit to working full-time in an Area of Critical Need in Alabama for a period of at least 18 months for each year's worth of loans received. An Area of Critical Need is presently defined by the Board, according to the law, as any area of the state that is not within five (5) miles of an area identified by the US Census Bureau as "urbanized."

Further information, including laws governing the program, the loan application, and the map of eligible areas, is available in the [ABN website](#).



## THE ANRC IS YOUR GO-TO SPOT FOR ALL THINGS NURSING

Visit the [Alabama Nursing Resource Center \(ANRC\)](#) for loads of helpful resources for Alabama nurses

- Updated and new Board-provided CE course offerings.
- Access to information on Nursing in Alabama, the US, and around the world.
- High-level nursing research and new opportunities for Nursing Graduate students.
- A public information portal to promote and improve knowledge of the roles and responsibilities of the nursing profession.
- Information on nursing specialty and professional organizations nationwide

## APN Corner

### Items of Interest in Advanced Practice Nursing

*Dawn B. Daniel, MSN, RN  
Director—Advanced Practice*

**Consensus Model/Article 5 of the Nurse Practice Act on Hold** - During the 2017 Regular Session of the Alabama Legislature, the ABN drafted and advocated for legislation to bring Article 5 of the Alabama Nurse Practice Act more closely into line with the Consensus Model for Advanced Practice Nursing. Unfortunately, this effort met with widespread disinformation and discord from a number of sources, resulting in the bill's failure to receive a hearing in either the House or Senate. There are no plans to pursue revisions to Article 5 for the foreseeable future, but the Board will continue working with interested parties to move advanced practice nursing forward in Alabama.

**CRNP Scope of Practice is Certification–Specific** - [ABN Administrative Code Section 610-X-5-.03](#) (1)(d) states that each CRNP must have and maintain “current certification as a certified registered nurse practitioner granted by a national certifying agency recognized by the Board of Nursing in the clinical specialty consistent with educational preparation and appropriate to the area of practice.” Only through formal education and clinical training can a CRNP achieve national certification in a given specialty, each of which includes a population focus (e.g., Adult-Gerontology, Pediatrics, Family).

Distinctions between scopes of practice for CRNPs are closely tied to each specialty certification. For example, by virtue of formal education, clinical training, and national certification, Family Nurse Practitioners (FNPs) are certified to treat patients of either sex across the lifespan, while certification in Adult-Gerontology allows the CRNP to treat patients of either sex, but only from adolescence (depending on the specific certification achieved from the certifying board) through adulthood.

In consultation with national certifying agencies, the ABN staff has confirmed that only formal education qualifies a CRNP to certify for treatment of patients in an additional population-focused area of practice. On the job/in-house training with a physician does not increase the CRNP's scope of practice and/or allow them to treat patient populations for which they do not hold certification and could leave both the CRNP and facility legally at risk.

If you have any questions relating to your specific certification, you should refer to the certification handbook from your certifying agency.

**Reminder on Revisions to the Critical Care Protocol for CRNPs** - At the May 2017 Board Meeting, the ABN voted to revise the process for requesting Critical Care Skills, removing the requirement for NPs to progress through certain mid-level skill sets before requesting advanced skills. NPs will now request the individual critical care skill(s) needed for their specific practice setting with the following new conditions:

1. CVL, Remove and Replace over Guide Wire **may not** be requested alone. It may be requested for practitioners simultaneously training for CVL: Internal Jugular (IJ) and Femoral, or 2.who previously have been approved for CVL: IJ and Femoral.
2. Supervised practice must be submitted within 2 years of approval to train or approval to train will lapse.

## **Results for the 2017 ABN Licensee Survey are Available**

*Barbara L. Bartley, MSCHD, RN*

*Administrator, Educational Services/Leadership Institute*

As part of the Board's stated goal of continuous quality improvement for purposes of fulfilling our mission to safeguard and promote the health, safety and welfare of the public, the Board conducted a survey of our licensee population in August of this year. We are proud to say that our response rate was surprisingly high and feel that we obtained valuable feedback from the survey results. The results are available on the ABN website.

## **ABN Approves 2018-2022 Strategic Plan**

*Peggy Sellers Benson, RN, MSHA, MSN, NE-BC*

At the September 2017 Board meeting, the ABN approved a new strategic plan for calendar years 2018 through 2022. In formulating the Strategic Plan, the Board and Board staff took extraordinary care to keep an eye on the future of Alabama nursing, always with an eye toward the ultimate goal of protecting the health, safety, and welfare of all Alabama patients, as well as the good of the nursing profession. We are quite pleased with the Plan and encourage everyone to take a few moments and to review it on the [ABN website](#). As always, your feedback is both welcome and encouraged.



## **VDAP: An Alternative to Discipline for Nurses Struggling with Disease**

The Voluntary Disciplinary Alternative Program (VDAP) offers nurses in the State of Alabama an alternative to discipline for issues relating to substance use, mental health, or physical ailments that may inhibit their ability to provide safe nursing care.

The Board has instituted an online application for eligible nurses to apply for VDAP, allowing them to protect the status of their licenses, while receiving the professional help they need to overcome disease or disability. If you or someone you know struggles with one of these conditions, please explore the VDAP program at <http://www.abn.alabama.gov/vdap/>.





# ATTENTION LPNs

You will notice a new section to your 2017 LPN License Renewal survey. This 31 question survey will only take 5-10 minutes of your time and will greatly benefit nurses like you.

## Frequently Asked Questions:

### What is the new section on LPN licensing survey?

The voluntary section of questions at the end of the LPN renewal survey is a standardized tool that will help the Board of Nursing collect information about the LPN workforce.

### Why does the Board need this information?

Right now, Alabama currently lacks nursing workforce data needed to influence policy; enhance diversity; forecast the nursing workforce supply and demand, including nursing education program planning; forecast for disaster planning; or identify nursing shortage areas versus overly saturated areas within the state. This is just a short list of reasons why this information is important to nurses and the public.

### What are you going to do with this data?

The Board of Nursing is working with the Alabama Health Action Coalition (AL-HAC) to collect this information and publicize the survey's findings to public. Your response to this survey is critical for us to better plan for a healthier Alabama.

### Are my answers anonymous?

Yes.

### Why should I answer this survey?

Answering this survey will help the Board answer important questions like:

- Will Alabama have enough nurses in the future?
- How will retiring nurses affect this number?
- Are there areas in Alabama where we need more nurses?
- Is there an area with an over-saturated supply of nurses?
- Does the racial/ethnic, geographic and specialty of Alabama's nursing workforce match our population's health needs?

### Who developed these questions?

The questions on this survey were developed by the National Council of State Boards of Nursing and the National Forum of Nursing Workforce Centers.

### Were these questions asked on the LPN Renewal Survey in 2015?

Yes. A very similar list of voluntary questions were included in the 2015 LPN License Renewal Survey.

### How often will I be asked these questions?

You should expect these questions to be asked during each license renewal period.

Help plan future nursing care for the people of Alabama. Your responses are important for an accurate representation of nursing. For those who have already completed the renewal survey, we thank you for your participation. For more information, visit:

[www.al-hac.org](http://www.al-hac.org)

